

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Douglas Edward Woehler	Examiner:	Edward J. Pipala
Serial No.:	10/685,364	Group Art Unit:	3663
Filed:	October 14, 2003	Docket No.:	C283.101.102
Title:	LOCATION SYSTEM		

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL DECLARATION UNDER 37 C.F.R § 1.131

Sir/Madam:

I, Douglas Edward Woehler, declare as follows:

1. I am the named inventor of the subject matter described and claimed in the above-identified U.S. Patent Application Serial No. 10/685,364 filed October 14, 2003.

2. The Office Action mailed on November 30, 2007 has been read and understood along with the references cited therein, and that I make this Declaration under 37 C.F.R. § 1.131 as a Supplemental Declaration to the Declaration under 37 C.F.R. § 1.131 filed on August 30, 2007 (the "Original Declaration") to provide support for the limited and non-public nature of the distribution of Exhibit A of the Original Declaration to show that Exhibit A does not constitute a publication under 35 U.S.C. 102(b) as found by the Office Action of November 30, 2007, and to support of the patentability of the claims of U.S. Patent Application Serial No. 10/685,364.

3. As described by Item 6 of the Original Declaration, Exhibit A is a confidential internal Patent Application Information disclosure statement of Comteq, Incorporated. Exhibit A describes the subject matter of the present application, identifies the system design concept as being that of myself, Douglas Edward Woehler, and indicates that the present invention was "(d)iscussed and described to Comteq, Inc. President Gary B. Woehler on October 26, 2000". As such, Exhibit A provides support that the claimed invention of the present application was conceived prior to the both the earliest prior art date of May 18, 2001 for U.S. Patent No. 6,920,390 to Mallet et al. and the earliest prior art date of December 27, 2001 for U.S. Patent Application Publication No. 2003/0125868 to Giannopoulos et al.

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4. Beyond Mr. Gary B. Woehler of Comteq, Inc., Exhibit A was shown in confidence and for business purposes only to Mr. Gary Bergen of Dialight Corporation, Newark, New Jersey.

5. Although currently assigned to Comteq, Inc., the present application (U.S. Patent Application Serial No. 10/685,364) will be re-assigned by Comteq to me, Douglas Edward Woehler, and subsequent to the discussions of Exhibit A with Mr. Gary B. Woehler and Mr. Gary Bergen, I, Douglas Edward Woehler, have been pursuing patentability of the claims of U.S. Patent Application Serial No. 10/685,364 as a sole inventor.

6. It is therefore respectfully submitted that outside of myself, Douglas Edward Woehler, Exhibit A was made available in confidence and for business purposes to only Mr. Gary B. Woehler and to Mr. Gary Bergen and does not constitute a publication under 35 U.S.C. 102(b).

7. It is further respectfully submitted that this Supplemental Declaration under 37 C.F.R. § 1.131, together with the Original Declaration under 37 C.F.R. § 1.131 filed on August 30, 2007, provide support that Exhibit A does not constitute a publication under 35 U.S.C. 102(b) and that Exhibit A provides support that the claimed invention of the present application, U.S. Patent Application Serial No. 10/685,364, was conceived prior to the both the earliest prior art date of May 18, 2001 for U.S. Patent No. 6,920,390 to Mallet et al. and the earliest prior art date of December 27, 2001 for U.S. Patent Application Publication No. 2003/0125868 to Giannopoulos et al.

Declaration under 37 C.F.R. § 1.131

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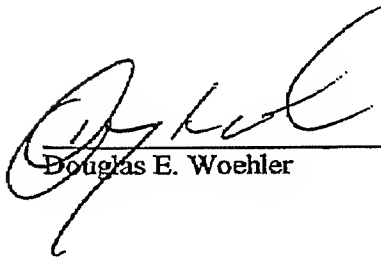
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8. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or patent issued thereon.



Douglas E. Woehler

2-29-08
Date